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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,816	03/30/2001	Sean B. Weatherill	004613.P001	6605

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EXAMINER

DAVIS, CASANDRA HOPE

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/823,816

Applicant(s)

WEATHERILL, SEAN B.

Examiner

Cassandra Davis

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 22-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-24 is/are rejected.
- 7) ☒ Claim(s) 35-37 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the transparent and back overly sections including a recess to receive a clip as recited in claims 33 and 34 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the specification does not support the transparent and back overlay having a recess to receive one of the clips.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 30 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 30, It is unclear if the "at least one double clip" is the same as the double clip recited in claim 22.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 22-29, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang, U. S. Patent 4,827,639 in view of Sturla, U. S. Patent 905,951 and Dammond, U. S. Patent 3,665,628.

7. Wang teaches a double-sided mount for photographs comprising a mounted having a recess on opposite sides of the mount for retaining a double-sided picture frame. The picture frame has a front and rear member wherein at least one photograph is inserted there between. Wand does not teach the mount being hinged or at least one of the front and rear members being transparent.

8. Sturla teaches a photograph holder comprising a double-sided mount having a first clip hinged at 4 to a second clip. Each clip is adapted to receive and hold a photograph. Sturla teaches that the plurality of mounts can be used to hold a plurality of photographs in horizontal orientation as seen in figure 3 or suspended as seen in figure 6.

9. Dammond teaches picture holder comprising a front and rear member held together using clips 10 and 12, wherein at least one of the members is transparent.

Dammond also teach a groove or recess in the member for seating the ends of the clip within the members.

10. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the double sided mount taught by Wang with a hinge as taught by Sturla to provide a means to adjust the angler relationship of one picture frame with respect to the other. In addition, it would have been obvious to one having ordinary skill in the art at the time this invention was made to construct one of the frame of a transparent material as taught by Dammond to provide a means to protect the photograph from damage.

11. With respect to claim 23, Sturla teaches a hinge axis at the 4 parallel to notch axes of the first and second clip.

12. With respect to claim 24, Sturla teaches four adjacent photograph with at least three double-sided mounts.

13. Claims 22, 24, 25, 26, 27, 29, 30, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang, U. S. Patent 4,827,639 in view of Atkinson, U. S. Patent 1,313,778 and Dammond, U. S. Patent 3,665,628.

14. Atkinson teaches knockdown picture frame comprising a first clip member **a** and a second clip member **b** hingedly holding a pair of adjacent panels at connection **c** (hub). The first clip member has a pair of flanges **a'** (first main body) and **a<sup>2</sup>** (first pressure tab) and the second clip member has a pair of flanges **b'** (second main body) and **b<sup>2</sup>** (second pressure tab), wherein the member are hingedly connected along the bight or web portion **a** and **b**. It would have been obvious to one having ordinary skill in

the art at the time this invention was made to construct the double sided mount taught by Wang with a hinge as taught by Atkinson to provide a means to adjust the angler relationship of one picture frame with respect to the other. In addition, it would have been obvious to one having ordinary skill in the art at the time this invention was made to construct one of the frame of a transparent material as taught by Dammond to provide a means to protect the photograph from damage.

With respect to claim 29 and 30, Atkinson teaches the first and second clip member having a opening in fixed relation to one another.

***Allowable Subject Matter***

15. Claims 35-37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


***Response to Arguments***

16. Applicant's arguments with respect to claim 22-37 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 703-308-2223. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Cassandra Davis  
Primary Examiner  
Art Unit 3611

CD  
March 21, 2004